

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

B.H., a minor by and through her Parent,
Sirbrina Bell,

Plaintiff(s),

v.

CLARK COUNTY SCHOOL DISTRICT,
et al.,

Defendant(s).

Case No. 2:23-CV-564 JCM (DJA)

ORDER

Presently before the court is defendants Ryan Lewis and Kathryn Fitzgerald's motion to extend the dispositive motion deadline. (ECF No. 58). Plaintiffs B.H. a minor, by and through her parent, Sirbrina Bell filed a response. (ECF No. 61).

Defendants request an extension to file their motion for summary judgment to May 23, 2025. (ECF No. 58). Plaintiffs argue that defendants fail to explain why the previous extension was insufficient and they would be prejudiced by an extension. (ECF No. 61 at 2).

The court finds that good cause exists to grant defendants' request because there is excusable neglect. In determining whether excusable neglect is present, it is appropriate for a district court to evaluate whether an attorney has "otherwise been diligent, the propensity of the other side to capitalize on petty mistakes, the quality of representation of the lawyers . . . and the likelihood of injustice" *Pincay v. Andrews*, 389 F.3d 853, 859 (9th Cir. 2004).

Here, defendants' counsel was diligent in attempting to address the circumstances outside of her control. She made several attempts to contact opposing counsel and filed the instant motion

1 one day after the initial deadline. More importantly, the court does not find that granting the instant
2 motion would prejudice plaintiffs.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendants' motion to
5 extend the dispositive motion deadline (ECF No. 58) be, and the same hereby is, GRANTED.
6

7 DATED May 23, 2025.

8 
9 UNITED STATES DISTRICT JUDGE